



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

04329.3118-00000

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

Application Number

10/647,392

Filed

August 26, 2003

First Named Inventor

Jun OKAZAKI

Art Unit

2144

Examiner

Joiya M. Cloud

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☐ attorney or agent of record.
Registration number _____

☒ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 55,662

Signature

Wenye Tan

Typed or printed name

571.203.2722

Telephone number

June 4, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT
Attorney Docket No. 04329.3118-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Jun OKAZAKI et al.)	Group Art Unit: 2144
)	
Application No. 10/647,392)	Examiner: Joiya M. CLOUD
)	
Filed: August 26, 2003)	Confirmation No. 2035
)	
For: NETWORK DEVICE AND METHOD)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request a pre-appeal brief review of the rejections in the Final Office Action mailed May 4, 2007, the period for response to which extends through June 4, 2007.¹ This Request is being filed concurrently with a Notice of Appeal, in accordance with the Official Gazette Notice of July 12, 2005.

A pre-appeal brief review of the rejection set forth in the Final Office Action is proper because: (1) the application has been at least twice rejected; (2) a Notice of Appeal has been concurrently filed; and (3) this Pre-Appeal Brief Request for Review is five (5) or less pages in length and sets forth legal or factual deficiencies in the rejections. See Official Gazette Notice, July 12, 2005.

Remarks begin at page 2 of this paper.

¹ Although the Examiner indicates in the Conclusion section of the Office Action that the shortened statutory period for response to the Office Action is three months, the Examiner sets the shortened statutory period to ONE month in the Office Action Summary. To avoid any confusion, Applicants treat the shortened statutory period as one month.

REMARKS

In the Final Office Action, the Examiner rejected claims 1 and 13-15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,775,244 to Hattig ("Hattig"). Claims 1 and 13-15 remain currently pending.

Under 35 U.S.C. § 102, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See M.P.E.P. § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully traverse the Section 102(e) rejection of claims 1 and 13-15 because Hattig clearly fails to disclose each and every element as set forth in claims 1 and 13-15.

For example, independent claim 1 recites "a reset section configured to require reconstruction for adding the equipment connected to the second network to the first network, while the identification information is assigned by the assignment section to the respective equipment connected to the second network." Hattig fails to disclose at least these features recited in independent claim 1.

Hattig discloses "a method for use on a bus that supports broadcast discovery. According to the method, identification information is received from a device on the bus and discovery information is obtained from the device using the identification information. The discovery information is then broadcast on the bus." Hattig, column 1, lines 25-30. "To discover devices connected to a specific bus, the solicit packet can

specify a bus ID assigned to that bus. When devices on the network receive the solicit packet from a discovery device, they compare the ID of the bus to which they are connected with the bus ID in the solicit packet. If the two match, then the device responds to the solicit packet with the requested information, otherwise not.” Hattig, column 3, lines 21-26, emphasis added.

Therefore, with reference to Fig. 1 of Hattig, devices 9, 10, 11, and 12 (bedroom 14) connected to bus 19 and device 15 (office 16) connected to bus 20 are connected to different buses and use different bus IDs. Thus, Hattig’s teaching of discovery of devices on separate buses does not constitute “adding the equipment connected to the second network to the first network,” as recited in independent claim 1 (emphasis added).

Further, in Hattig, “[t]o permit legacy devices to participate in 1394 bus transactions, a proxy device may be connected to the network to gather discovery information from legacy devices using the ‘learn node ID then interrogate’ protocol and then to broadcast the received discovery information in accordance with the broadcast discovery protocol to discovery devices that need the discovery information.” Hattig, column 3, lines 41-47, emphasis added.

Thus, Hattig’s proxy device simply relays the solicit packet from one bus to another bus without adding any device from one bus to another bus. In fact, Hattig explicitly states that “a solicit packet is issued by discovery device 40 on 1394 bus 41 for devices on bus 42. Devices on buses 41, 42 and 43 receive the solicit packet Here, only devices on bus 42 respond.” Hattig, column 4, lines 34-39. Therefore, Hattig’s teaching of a proxy device for discovery over different buses does not constitute

“adding the [number of] equipment connected to the second network to the first network,” as recited in independent claim 1 (emphasis added).

Furthermore, in the Final Office Action, the Examiner does not address these features of independent claim 1 as listed above. See Office Action at 2-3. In the Office Action mailed October 18, 2006, the Examiner alleges that “Hattig teaches a network device according to claim 1, wherein the control section comprises a reset section (col. 2, lines 60-65) configured to require reconstruction that equipment connected to the second network is added to the first network in a state where there is caused a change in any one of the number of equipment connected to the second network and information on the equipment connected to the second network (col. 2, lines 25-33).” (Office Action of 10/18/06 at 3). Applicants respectfully disagree.

In the cited section, Hattig explicitly states that “[t]ypically, a bus reset occurs when a device on the bus is turned on or off, added to or removed from the bus, or when application software running on one of the devices (e.g., PC5) forces a bus reset, e.g., in response to a handling error.” Hattig, column 2, lines 29-33. Therefore, Hattig’s bus reset is simply for a single bus and devices connected to that single bus. Hattig’s teaching of a single bus resetting thus does not constitute “a reset section configured to require reconstruction for adding the equipment connected to the second network to the first network, while the identification information is assigned by the assignment section to the respective equipment connected to the second network,” as recited in independent claim 1 (emphasis added).

For at least the above reasons, Hattig clearly fails to disclose each and every element set forth in independent claim 1. Accordingly, the Section 102(e) rejection of

claim 1 should be withdrawn and claim 1 should thus be allowable over Hattig. Further, independent claim 14, while of different scope, includes similar recitations to those of claim 1 and claim 14 should be also allowable for at least the reasons stated above with respect to claim 1. Because claim 13 depends from claim 1 and claim 15 depends from claim 14, claims 13 and 15 are also allowable at least due to their dependence.

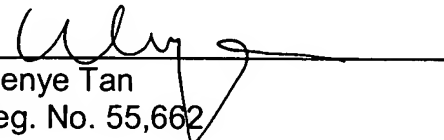
Because Hattig clearly fails to disclose each and every element as set forth in claims 1 and 13-15, the Section 102(e) rejection of claims 1 and 13-15 is improper and should be withdrawn. Applicants respectfully request a favorable pre-appeal review and the allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 4, 2007

By: 
Wenye Tan
Reg. No. 55,662